

CC =

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

08 FEB 21 PM 12:59

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**Jorge ROSAS-Sosa,**

Defendant(s)

Magistrate Case No.

'08 MJ 0508

COMPLAINT FOR VIOLATION OF: DEPUTY

**Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)**  
**Transportation of Illegal**  
**Aliens**

The undersigned complainant, being duly sworn, states:

On or about **February 20, 2008**, within the Southern District of California; defendant **Jorge ROSAS-Sosa** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Rodrigo BARBOSA-Mata, Ecliseria PACHECO-Bolanos**, and **Antelia BUSTOS-Camacho** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 21<sup>st</sup> DAY OF FEBRUARY  
2008

William McCurine Jr.

UNITED STATES MAGISTRATE JUDGE

## CONTINUATION OF COMPLAINT:

Jorge ROSAS-Sosa

## PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Rodrigo BARBOSA-Mata**, **Ecliseria PACHECO-Bolanos**, and **Antelia BUSTOS-Camacho** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 19, 2008, Supervisory Border Patrol Agent M. Hansen and Senior Patrol Agents J. Miranda, L. Rodriguez, T. Englehorn, J. Baez and J. Petras were conducting anti-smuggling duties in Eastern San Diego County as assigned to the San Diego Sector Smuggling Interdiction Group (SIG). All SIG Senior Patrol Agents were in plainclothes, and operating an unmarked DHS surveillance/enforcement vehicle with fully functioning emergency lights and audible police siren. Agent Hansen was in full Border Patrol uniform, and operating a marked Border Patrol pursuit sedan. Agents were monitoring activities in an area surrounding the town of Boulevard, California.

This area is located approximately 50 miles east of San Diego, California and 20 miles east of the Tecate, California Port of Entry. Agents had been advised by Campo station agents that they were tracking a group of eighteen to twenty illegal aliens near an area known as Hagen's Ranch. Campo agents said that after several hours of tracking, they had lost the sign for the group. At approximately 10:00 PM, Agents positioned themselves in concealed locations and observed vehicular traffic coming to and leaving the area where the group was suspected to surface.

On February 20, 2008, at approximately 6:10 AM Agent Engelhorn observed a Nissan return to Old Highway 80, followed by a green Infinity QX-4. Both vehicles proceeded eastbound on Old Highway 80 out of his view. The Infinity appeared to be riding level at this time. A few minutes later Agent Engelhorn observed both vehicles return to the intersection. The Nissan turned north on Ribbonwood, while the Infinity continued westbound on Old Highway 80. The Infinity was now significantly heavier in the rear end, though no additional passengers were visible. Agents began to conduct mobile surveillance on the Infinity.

The Infinity continued to the Crestwood interchange of I-8, where upon it entered the westbound lanes of I-8. Agent Hansen awaited its arrival at the next interchange, Kitchen Creek Road. Agent Hansen fell in behind the Infinity as it passed Kitchen Creek Road. Agent Hansen observed that the Infinity was heavily weighed down in the rear and its rear windows were fogged up. In an effort to identify the driver, Agent Hansen pulled alongside the Infinity and paralleled it for approximately one-half of a mile. The driver did not look in Agent Hansen's direction. Agent Hansen began to pull ahead, all the while watching the driver's reaction. The driver looked directly over at Agent Hansen at this time. Agent Hansen immediately recognized the driver as an alien smuggler/load driver known to him as **Jorge ROSAS-Sosa**.

Agent Hansen had arrested ROSAS in reference to a January 23, 2008 alien smuggling event, where ROSAS was the driver of a 1991 white Ford Taurus, which failed to yield, and then bailed out. When he bailed out, ROSAS locked the driver side door and exited the passenger side. He left the Taurus in gear and it proceeded down the Pine Valley off ramp of I-8 under its own power. In that prior event, Agent Hansen had to break the driver side door window glass while running alongside the runaway vehicle to make entry and stop the Taurus. Four illegal aliens were arrested in the back seat, three were found concealed within the trunk. On that evening it was below freezing and it was snowing.

On today's event, Agent Hansen dropped back, fell in behind the Infinity and activated his emergency lights and siren. The Infinity failed to yield, but maintained low speeds. After approximately one half mile, the Infinity pulled to the shoulder and the doors began to open. It was raining at this time and traffic was starting to increase. Anticipating a dangerous bailout on the wet interstate, Agent Hansen positioned his sedan alongside the passenger side of the Infinity preventing the doors from being opened. Agent Rodriguez placed his vehicle against the driver side, preventing those doors from being opened.

Agents approached, identified themselves as United States Border Patrol Agents to the eight individuals in the Infinity and questioned them as to their citizenship and immigration status. All eight, including the defendant **Jorge ROSAS-Sosa** admitted to being citizens and nationals of Mexico illegally present in the United States. Agents Rodriguez and Hansen placed all eight, including the defendant under arrest for illegal entry. The defendant was also arrested for suspicion of alien smuggling. Agent Miranda photographed the vehicle on the scene and all of the occupants in the position they were in upon being encountered, to include the defendant.

All of the individuals including the defendant were arrested and transported to the El Cajon Border Patrol Station for processing.

#### **DEFENDANT STATEMENT:**

The defendant was advised of his Miranda rights and was willing to make a statement without an attorney present.

The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally.

For this event, ROSAS was to paid \$200.00 (USD) to drive a group of illegal aliens. After the arrangements were made, ROSAS, along with two foot-guides and a group of 17 illegal aliens illegally crossed into the United States from Tecate, Baja California Mexico by walking through the mountains. This entry was made on February 19, 2008, at approximately 10:00 PM. After crossing, everyone in the group was lead by the two foot-guides. They walked for approximately six hours before arriving to the pre-arranged pick up location near a road. At that point, the foot-guides divided the group into two separate groups and they were told that the first group would be picked up first. ROSAS was assigned to be the driver of the first group.

ROSAS admitted to his approximately 11 prior apprehensions when he was confronted with his immigration history. ROSAS denied participating in any other prior smuggling event.

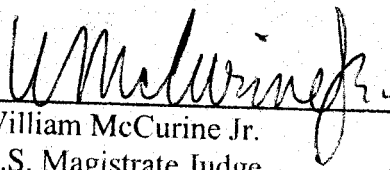
cc

**MATERIAL WITNESSES STATEMENTS:**

The statements of material witnesses **Rodrigo BARBOSA-Mata**, **Ecliseria PACHECO-Bolanos**, and **Antelia BUSTOS-Camacho** agree in summary that they are citizens and nationals of Mexico and illegally present in the United States. They stated that they do not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Mexico to be smuggled into the United States. The material witnesses stated that they were to pay between \$1,250.00 to \$1,800.00 U.S. dollars to be smuggled into the United States. The material witnesses were shown a photographic line-up and were able to identify the defendant **Jorge ROSAS-Sosa** as the driver of the vehicle.



James Trombley  
Senior Patrol Agent



William McCurine Jr.  
U.S. Magistrate Judge

2/21/08 1225 hrs  
Date/Time